

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 586 - HB 1340

March 22, 2015

SUMMARY OF BILL: Provides that a pregnant mother can be prosecuted for assault, under Tenn. Code Ann. § 39-13-101, if her child is born addicted to or harmed by the woman's illegal use of methamphetamine as defined in Tenn. Code Ann. § 39-17-408.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Tenn. Code Ann. §§ 39-13-107 and 39-13-214 were amended by Public Chapter 1006 of 2012, which changed the statutory language relative to human embryos and fetuses and deleted the proposed language of this bill. As a result, a pregnant woman could not be prosecuted for harming her unborn child from drug or alcohol abuse. *See* Opinion of the Attorney General 13-01 (Revised) (Feb. 1, 2013).
- The fiscal note for Pub. Ch. 1006 of 2012 did not reflect a decrease in state expenditures from a reduction in convictions. Thus, amending Tenn. Code Ann. §§ 39-13-107 and - 214 to allow pregnant mothers to be prosecuted for harming their unborn child from drug or alcohol abuse will not have a significant impact on the state, as the Department of Correction is currently receiving funding for such admissions.
- Public Chapter 820 of 2014 made it illegal for a pregnant mother to use illegal drugs while pregnant, but limited prosecution to assault, a Class A misdemeanor, and only to narcotics defined in Tenn. Code Ann. § 39-17-402, which consists of opiates.
- The bill broadens Tenn. Code Ann. § 39-17-107 to include methamphetamine use for which a pregnant mother can be prosecuted for assault. Methamphetamine use by a pregnant mother was illegal prior to Public Chapter 1006 of 2012. Making it illegal once again will not significantly impact state or local incarcerations costs.
- Since the bill further returns Tenn. Code Ann. § 39-17-107 to the same posture that it stood in prior to Public Chapter 1006 of 2012, it is assumed that the impact to the caseloads of the District Attorneys General Conference, the District Public Defenders Conference, and the Administrative Office of the Courts, will not be significant and that any impact can be accommodated within existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

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A handwritten signature in dark ink, reading "Jeffrey L. Spalding". The signature is fluid and cursive, with the first name "Jeffrey" and last name "Spalding" clearly legible.

Jeffrey L. Spalding, Executive Director

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